TENT COOPERATION TRE Y

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Assistant Commissioner for Patents
United States Patent and Trademark Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 13 June 2000 (13.06.00)	
International application No. PCT/US99/17167	**Applicant's or agent's file reference** PF-0568 PCT
International filing date (day/month/year) 30 July 1999 (30.07.99)	**Priority date** (day/month/year) 31 July 1998 (31.07.98)
Applicant BANDMAN, Olga et al	

1. The designated Office is hereby notified of its election made:

[X] in the demand filed with the International Preliminary Examining Authority on:

02 February 2000 (02.02.00)

[ ] in a notice effecting later election filed with the International Bureau on:

2. The election [X] was

[ ] was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO **34, chemin des Colombettes** **1211 Geneva 20, Switzerland**	Authorized officer Kiwa Mpay
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: LUCY J. BILLINGS
INCYTE PHARMACEUTICALS, INC.
3174 PORTER DRIVE
PALA ALTO, CA 94304

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing *(day/month/year)*	22 JAN 2001

Applicant's or agent's file reference	IMPORTANT NOTIFICATION
PF-0568 PCT	

International application No.	International filing date *(day/month/year)*	Priority Date *(day/month/year)*
PCT/US99/17167	30 JULY 1999	31 JULY 1998

Applicant
INCYTE PHARMACEUTICALS, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US	Authorized officer
Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	KAREN COCHRANE CARLSON, PH.D.
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0196

DELLA MAE COLLINS
PARALEGAL SPECIALIST
TECHNOLOGY CENTER 1600

Form PCT/IPEA/416 (July 1992)★

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PF-0568 PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US99/17167	International filing date *(day/month/year)* 30 JULY 1999	Priority date *(day/month/year)* 31 JULY 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant INCYTE PHARMACEUTICALS, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

   ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

   I ☒ Basis of the report

   II ☐ Priority

   III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability

   IV ☐ Lack of unity of invention

   V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   VI ☐ Certain documents cited

   VII ☐ Certain defects in the international application

   VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
02 FEBRUARY 2000	06 DECEMBER 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer KAREN COCHRANE CARLSON Telephone No. (703) 308-0196

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US99/17167

I. Basis of the report

1. With regard to the **elements** of the international application:*

[X] the international application as originally filed

[X] the description:
pages 1-58, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

[X] the claims:
pages 1-20, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of

[X] the drawings:
pages 1, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

[X] the sequence listing part of the description:
pages 1-21, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

[ ] the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

[ ] the language of publication of the international application (under Rule 48.3(b)).

[ ] the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

[ ] contained in the international application in printed form.

[ ] filed together with the international application in computer readable form.

[ ] furnished subsequently to this Authority in written form.

[ ] furnished subsequently to this Authority in computer readable form.

[ ] The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

[ ] The statement that the information recorded in computer readable form is identical to the writen sequence listing has been furnished.

4. [X] The amendments have resulted in the cancellation of:

[X] the description, pages NONE

[X] the claims, Nos. NONE

[X] the drawings, sheets/~~fig~~ NONE

5. [ ] This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*

***Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US99/17167

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	13, 14, 16-20	YES
	Claims	1-12, 15	NO
Inventive Step (IS)	Claims	13, 14, 16-20	YES
	Claims	1-12, 15	NO
Industrial Applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. citations and explanations (Rule 70.7)

Claims 1-12 and 15 lack novelty under PCT Article 33(2) as being anticipated by Ryseck et al. Ryseck et al teach V58 that is 92% identical to SEQ ID NO:1 (Claims 1, 2). Nucleic acid encoding V58 is shown in Fig, 1 (Claims 6, 9-11, 15). Northern blot analysis using the polynucleotide encoding V58 is shown (Claim 7) in which AMV reverse transcriptase was used to amplify the polynucleotide prior to Dot blot analysis (Claim 8). The polynucleotides were transformed into M13-derived vectors (Claim 12) or pUC19 plasmids.

Claims 13, 14, and 16-20 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a host cell comprising the vector having polynucleotide encoding SEQ ID NO:1, the recombinant production of the polypeptide, antibody, agonist, or antagonist to the polypeptide, or a method of treatment.

A response to this written opinion was received 15 Nov 2000. Applicants made no direct argument against the opinion, stating only that they elect to reserve the right to address objections in national stage applications.

---------- NEW CITATIONS ----------

NONE

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

CLASSIFICATION:
The International Patent Classification (IPC) and/or the National classification are as listed below:
IPC(7): C07K14/00; C07H 17/00 C12P 14/00 and US Cl.: 435/ 69.1. 252.3, 320.1, 325; 536/23.1; 530/350

WO 105
09/744,314
3610

PATENT COOPERATION TREATY

PCT

REC'D 25 JAN 2001
WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

15

Applicant's or agent's file reference PF-0568 PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US99/17167	International filing date *(day/month/year)* 30 JULY 1999	Priority date *(day/month/year)* 31 JULY 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
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Date of submission of the demand	Date of completion of this report
02 FEBRUARY 2000	06 DECEMBER 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer KAREN COCHRANE CARLSON Telephone No. (703) 308-0196

Form PCT/IPEA/409 (cover sheet) (July 1998)★

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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